

KEVIN V. RYAN (CSBN 118321)
United States Attorney

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CR 06

0542

UNITED STATES OF AMERICA,

No.

Plaintiff,

VIOLATIONS: 26 U.S.C. § 7206(2) -
False Tax Returns; 26 U.S.C. § 7201 -
Tax Evasion —

v.

DAVID SIMCHO,

Defendant.

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE THROUGH SEVENTEEN: (26 U.S.C. § 7206(2))

On or about the dates set forth below, in the Northern District of California, the defendant

DAVID SIMCHO

then residing within the Northern District of California, did willfully aid and assist in, and
procure, counsel, and advise, the preparation and presentation to the Internal Revenue Service of
false and fraudulent U.S. Individual Income Tax Returns, Forms 1040 and 1040X, for the
taxpayers and calendar years specified below in that the tax returns described below either
contained a Schedule C (Profit or Loss From Business) or taxable income amount which claimed
net losses or other deductions, whereas, as the defendant then and there well knew the taxpayers
were not entitled to claim such net losses or deductions.

COUNT	DATE OF OFFENSE ON OR ABOUT	TAXPAYER	CALENDAR TAX YEAR	SCHEDULE C LOSS CLAIMED ON RETURN
1	08-31-01	John Does 1	2000	\$129,745.00
2	10-03-02	John Does 1	2001	\$101,721.00
3	09-08-03	John Does 1	2002	\$69,440.00
4	10-18-01	John Doe 2	2000	\$15,752.00
5	08-16-02	John Doe 2	2001	\$22,324.00
6	08-05-01	John Does 3	2000	\$41,589.00
7	10-19-00	John Does 4	1999	\$112,321.00
8	10-17-01	John Does 4	2000	\$141,790.00
9	08-20-02	John Does 4	2001	\$264,752.00
10	05-25-01	John Does 5	2000	\$107,619.00
11	11-01-02	John Does 5	2001	\$224,238.00
12	09-28-03	John Does 5	2002	\$57,847.00
13	10-20-02	John Does 6	1999	\$95,293.00
14	04-16-01	John Does 6	2000	\$75,762.00
15	04-06-03	John Does 6	2001	\$169,106.00
16	05-01-03	John Does 6	2002	\$133,382.00

<u>COUNT</u>	<u>DATE OF OFFENSE ON OR ABOUT</u>	<u>TAXPAYER</u>	<u>CALENDAR TAX YEAR</u>	<u>TAXABLE INCOME CLAIMED ON AMENDED RETURN</u>
17	08-09-00	John Does 7	1999	\$375,313.00

In violation of Title 26, United States Code, Section 7206(2).

COUNT EIGHTEEN: (26 U.S.C. § 7201)

On or about March 12, 2002, in the Northern District of California, the defendant

DAVID SIMCHO

then a resident of the Northern District of California, did willfully and knowingly attempt to evade and defeat the income tax due and owing by defendant to the United States of America for the calendar year 1999 by preparing, signing, and mailing or otherwise delivering, and causing to be prepared, signed and mailed or otherwise delivered, a false and fraudulent individual income

tax return, which return was filed with the Internal Revenue Service, wherein it was stated that the tax due to the United States for the calendar year 1999 was \$1,602.00 whereas, as he then and there well knew and believed, the tax due and owing to the United States for the calendar year was greater than \$1,602.00

In violation of Title 26, United States Code, Section 7201.

COUNT NINETEEN: (26 U.S.C. § 7201)

On or about March 11, 2002, in the Northern District of California, the defendant

DAVID SIMCHO

then a resident of the Northern District of California, did willfully and knowingly attempt to evade and defeat the income tax due and owing by defendant to the United States of America for the calendar year 2000 by preparing, signing, and mailing or otherwise delivering, and causing to be prepared, signed and mailed or otherwise delivered, a false and fraudulent individual income tax return, which return was filed with the Internal Revenue Service, wherein it was stated that the tax due to the United States for the calendar year 2000 was \$2,405 whereas, as he then and there well knew and believed, the tax due and owing to the United States for the calendar year was greater than \$2,405.

In violation of Title 26, United States Code, Section 7201.

COUNT TWENTY: (26 U.S.C. § 7201)

On or about April 15, 2002, in the Northern District of California, the defendant

DAVID SIMCHO

then a resident of the Northern District of California, did willfully and knowingly attempt to evade and defeat the income tax due and owing by defendant to the United States of America for the calendar year 2001 by preparing, and electronically filing or otherwise delivering, and causing to be prepared, and electronically filing or otherwise delivering, a false and fraudulent individual income tax return, which return was filed with the Internal Revenue Service, wherein it was stated that the tax due to the United States for the calendar year 2001 was \$2,607.00 whereas, as he then and there well knew and believed, the tax due and owing to the United States for the calendar year was greater than \$2,607.00

In violation of Title 26, United States Code, Section 7201.

COUNT TWENTY ONE: (26 U.S.C. § 7201)

On or about April 23, 2004, in the Northern District of California, the defendant
DAVID SIMCHO
then a resident of the Northern District of California, did willfully and knowingly attempt to
evade and defeat the income tax due and owing by defendant to the United States of America for
the calendar year 2002 by preparing, and mailing or otherwise delivering, and causing to be
prepared, and mailed or otherwise delivered, a false and fraudulent individual income tax return,
which return was filed with the Internal Revenue Service, wherein it was stated that the tax due
to the United States for the calendar year 2002 was \$3,228.00 whereas, as he then and there well
knew and believed, the tax due and owing to the United States for the calendar year was greater
than \$3,228.00

In violation of Title 26, United States Code, Section 7201.

A True Bill


FOREPERSON

KEVIN V. RYAN
United States Attorney


MARK KROTOSKI
Chief, Criminal Section

Approved as to Form


AUSA: JAY R. WEILL